R E M A R K S

Information Disclosure Statement

Enclosed with the August 14, 2009 Office Action were copies of the INFORMATION DISCLOSURE STATEMENT BY APPLICANT IDS Forms dated April 9, 2009 (three sheets), with the Examiner's initials in the left-hand column next to all but two of the cited publications (JP 60-56684 and JP 6-67853). Thus, the Examiner considered and made of record all but two of the cited publications.

In the paragraph bridging pages 2 and 3 of the August 14, 2009 Office Action, it was stated that the INFORMATION DISCLOSURE STATEMENT filed April 9, 2009 failed to comply with 37 CFR 1.98(a)(3) because it did not include a concise explanation of relevance for the references lined through (JP 60-56684 and JP 6-67853) cited on sheet 2 of said INFORMATION DISCLOSURE STATEMENT.

Sheet 2 of said INFORMATION DISCLOSURE STATEMENT indicated that (i) JP 60-56684 was a family member of GB 2007091 (which was considered and made of record by the Examiner) and (ii) JP 6-67853 was a family member of USP 4,861,760 (which was considered and made of record by the Examiner).

MPEP 609III.A(3) provides that an English-language equivalent application may be submitted to fulfill the requirement for a concise explanation of relevance.

Since English-language equivalent applications were provided for each of JP 60-56684 and JP 6-67853, it is respectfully submitted that a concise explanation of relevance was provided for each of JP 60-56684 and JP 6-67853. It is therefore respectfully requested that the Examiner return to the undersigned a copy of sheet 2 of the April 9, 2009 IDS Form with the Examiner's initials next to each cited publication, including JP 60-56684 and JP 6-67853.

Presently Claimed Invention

The presently claimed invention pertains to a polysaccharide-containing composition comprising (i) a polysaccharide selected from the group consisting of agar, agarose, agaropectin, galactan, carageenan, tamarind gum, tara gum and gellan gum and (ii) water, wherein an amount of precipitated polysaccharide in a concentration of from 0.0001 to 0.01% after performing centrifugal separation at 25°C with 40,000

xg for one hour is less than 65 wt% of a total polysaccharide content.

Anticipation Rejection Under 35 USC 102

Claims 1 to 3 and 5 to 8 were rejected under 35 USC 102 as being anticipated by Inohara et al. (WO 2003/013612) for the reasons set forth beginning at the middle of page 6 and continuing to page 8, line 7 of the August 14, 2009 Office Action. The Examiner referred to US 2004/0266725 as an English-language family member of WO 2003/013612.

It was admitted in the August 14, 2009 Office Action that Inohara et al. are silent as to the amount of precipitated polysaccharide after performing centrifugal separation at 25°C with 40,000xg for one hour.

In the presently claimed invention, polysaccharide (such as agar) molecules are dispersed separately. In contrast thereto, particle gels of several microns are dispersed in Inohara et al.

The dispersion state of the polysaccharide (such as agar) molecules in the presently claimed invention is accomplished by a concentration of polysaccharide of a specific range of "0.0001 to

0.01%" as recited in applicants' claims. This range is not disclosed or suggested by Inohara et al.

The polysaccharide (such as agar) molecules in the presently claimed invention do not precipitate upon application of a centrifugal force because they are dispersed separately. It is clear that the particle gels in Inohara et al. will precipitate upon application of centrifugal force.

The dispersion of polysaccharide (such as agar) molecules in the presently claimed invention has an advantageous effect of uniformly covering an ocular-mucous tissue, whereas the particle gels are localized or interspersed and cannot uniformly cover ocular-mucous tissue (see the paragraph bridging pages 20 to 21 of the present specification).

In the Office Action, paragraph [0026] of Inohara et al. was referred to. Paragraph [0026] of Inohara et al. state "that the agar can be obtained in the state of a liquid composition, not in the state of a gel."

"The state of a gel" in paragraph [0026] of Inohara et al. is considered to describe a state wherein the whole colloid loses its liquidity by the cross-linking of molecules and behaves like

a solid. On the other hand, the invention of Inohara et al. relates to "particle gels" dispersed in a liquid and the whole state is expressed by the recitation "the state of a liquid composition" (see paragraph [0037] of Inohara et al.). The term "gel" and the term "particle gels" dispersed in a liquid are clearly different.

Withdrawal of the 35 USC 102 rejection is therefore respectfully requested.

Obviousness-Type Double Patenting Rejections

Claims 1 to 3 were rejected on the ground of obviousness-type double patenting as being unpatentable over claims 6 to 11 and 13 to 16 of application Serial No. 10/486,122 (published as US 2004/0266725) for the reasons set forth beginning at the bottom of page 8 and continuing to the top of page 10 of the August 14, 2009 Office Action.

Application Serial No. 10/486,122 will abandon for failure to prosecute in view of the divisional application thereof (application Serial No. 11/810,524).

The double patenting rejection involving application Serial No. 10/486,122 is thus moot.

Claims 1 to 3 and 5 to 8 were provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 1 to 3 and 5 to 13 of copending application Serial No. 11/810,524 for the reasons beginning at the middle of page 10 and continuing to the bottom of page 11 of the August 14, 2009 Office Action.

It was admitted in the August 14, 2009 Office Action that the claims of copending application Serial No. 11/810,524 are silent as to the amount of precipitated polysaccharide after performing centrifugal separation at 25°C with 40,000 xg for one hour.

Initially it is noted that this double patenting rejection is premature until allowable subject matter is indicated in the above-identified application or in application Serial No. 11/810,524.

The disclosure of application Serial No. 11/810,524 is essentially that of Inohara et al.

For the reasons discussed hereinabove with respect to Inohara et al., it is respectfully submitted that applicants'

claims 1 to 3 and 5 to 8 are not obvious in view of claims 1 to 3 and 5 to 13 of application Serial No. 11/810,524.

Withdrawal of each of the double patenting rejections is respectfully requested.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

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